

349.16 Ordinance establishing special or seasonal weight limits.

STATE OF WISCONSIN Town of Eaton, Brown County.

The Town Board of the Town of Eaton, Brown County, Wisconsin, has the specific authority under ss. 82.03 and 349.16, Wis. stats., to adopt this ordinance.

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, establishes special or seasonal weight limits as follows:

A. The following special or seasonal weight limits shall be effective for the periods stated below on the following Town of Eaton town highways: all town roads, applicable weight limits, and dates weight limits are to be in effect.

B. The town chairperson, or his or her designee, shall erect signs as required under s. 349.16 (2), Wis. stats., on or before the effective date of this ordinance.*

C. Except as provided in section D, no person may operate any vehicle on the above-noted highways in violation of the above-noted weight limits without a written permit issued by the Town Board of the Town of Eaton. Upon conviction for a violation of this ordinance, the violator shall pay a forfeiture of not less than \$75.00 nor more than \$100.00, plus the applicable surcharges, assessments, and costs for each violation. Each trip in violation of this ordinance constitutes a separate offense. In addition, the town board may seek injunctive relief from a court of record to enjoin further violations.

D. Pursuant to s. 349.16 (3), Wis. stats., all of the following are exempt from the weight limitations imposed under section A:

1. A vehicle that is used to transport material pumped from a septic or holding tank if, because of health concerns, material needs to be removed from a septic or holding tank within 24 hours after the vehicle owner or operator is notified and if the vehicle is operated for the purpose of emptying the septic or holding tank and disposing of its contents and is operated on a route that minimizes travel on highways subject to weight limitations imposed under section A. Within 72 hours after so operating a vehicle, the owner or operator of the vehicle shall notify the town board [or other authority in charge of maintenance of the town highways over which the vehicle was operated].

2. A vehicle operated by or at the direction of any of the following for the purpose of producing or furnishing heat, light, power, or water to its members, that is being operated for the purpose of responding to a service interruption:
 - a. A public utility, as defined in s. 196.01 (5), Wis. stats.
 - b. A telecommunications provider, as defined in s. 196.01 (8p), Wis. stats.
 - c. A cooperative association organized under ch. 185, Wis. stats.

3. A vehicle being operated to deliver propane for heating purposes if the gross weight imposed on the highway by the vehicle does not exceed 30,000 pounds for a vehicle with a single rear axle or 40,000 pounds for a vehicle with tandem rear axles, and if the vehicle is a tank vehicle, the tank is loaded to no more than 50% of the capacity of the tank. WISCONSIN TOWN LAW FORMS Numbers refer to corresponding Wisconsin Statute Section – 221 –

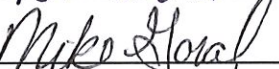
4. Vehicles carrying [commodities specified by the town board]. The town board finds that the exemption from the weight limits imposed under section A for [commodities specified by the town board] is reasonable and necessary to promote the public health, safety, and welfare of the town.**


5. Vehicles that are used to perform [services specified by the town board].* The town board finds that the exemption from the weight limits imposed under section A for [services specified by the town board] is reasonable and necessary to promote the public health, safety, and welfare of the town.**

This ordinance is effective on [publication or posting or 1 20 2020 (a specific date after the date of publication or posting date, allowing adequate time for erection of signs)]. The town clerk shall properly post or publish this ordinance as required under s. 60.80, Wis. stats. Ad Town Board

Jim Osterloh, Chairman 

Kevin Taicher, Supervisor 

Mike Goral, Supervisor 

Attest: Dawn Konop, Clerk 

Adopted this 27th day of January, 2020.

Note: Adoption of an ordinance is appropriate in towns where no superintendent of highways has been appointed by the town board. Section 349.16 (1) (a), Wis. stats., authorizes "the officer in charge of maintenance in case of highways maintained by a town" to establish weight limits under the section, but s. 82.03 (1) (a), Wis. Stats., provides: The town board shall have the care and supervision of all highways under the town's jurisdiction, including the highways specified in s. 83.06. The town board may appoint in writing a superintendent of highways to supervise, under the board's direction, the construction, repair, and maintenance of the highways and bridges under the town's jurisdiction. Where no superintendent of highways is appointed, it shall be the duty of the town board to perform all of the duties that are prescribed by law for the superintendent of highways to perform, including keeping the highways passable at all times. * Note: Sign placement is governed by the Manual on Uniform Traffic Control Devices authorized under s. 84.02 (4) (e), Wis. stats. The manual may be accessed at the Department of Transportation Website at:

<http://www.dot.wisconsin.gov/business/engrserv/wmutcd.htm> **Note: In lieu of exempting

vehicles carrying certain commodities or performing certain services from the weight limitations imposed under section A, the town board may set weight limitations for vehicles carrying those commodities or that are used to perform those services that are different than those imposed under section A if the limitation is reasonable and necessary to promote the public health, safety, and welfare.